

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

UNITED STATES OF AMERICA

V.

ERIC PRESCOTT KAY

NO. 4:20-CR-00269-Y

MOTION TO WITHDRAW AS COUNSEL

TO THE HONORABLE JUDGE TERRY R. MEANS,  
UNITED STATES DISTRICT JUDGE:

COMES NOW, Cody L. Cofer (Counsel) attorney for Eric Prescott Kay (Defendant) and hereby moves the Court to allow, for good cause shown, the withdrawal of Counsel and to terminate Counsel as attorney for Defendant. In support, Counsel would show:

On May 31, 2022, the Court appointed Counsel pursuant to the Court's Criminal Justice Act Plan. (ECF 158). On October 13, 2022, Brett Ordiway entered his appearance of counsel on behalf of Defendant, and Mr. Ordiway filed the notice of appeal with the Fifth Circuit Court of Appeals on behalf of Defendant. (ECF 190-91). Because Defendant has retained the services of Mr. Ordiway, Defendant no longer requires appointed counsel.

The attorney for the Government does not oppose the withdrawal of Counsel.

PRAYER

Wherefore, Cody L. Cofer respectfully requests the Court allow, for good cause shown, the withdrawal of Counsel and to terminate Counsel as attorney for Defendant

Respectfully submitted by,

/s/Cody L. Cofer  
Cody L. Cofer  
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Attorney for Eric Prescott Kay

**CERTIFICATE OF SERVICE**

I hereby certify that on October 17, 2022, I electronically served the Government's attorney a copy of this pleading.

/s/Cody L. Cofer  
Cody L. Cofer

**CERTIFICATE OF CONFERENCE**

I certified that before filing of this motion I conferred with the attorney for the Government. The Government does not object.

/s/Cody L. Cofer  
Cody L. Cofer